



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB2590

by Rep. Ron Sandack

#### SYNOPSIS AS INTRODUCED:

New Act

Creates the Workplace Violence Prevention Act. Contains a purpose statement and defines terms. Provides that an employer may seek an order of protection to prohibit further violence or threats of violence by a person if: (1) the employee has suffered unlawful violence or a credible threat of violence from the person; and (2) the unlawful violence has been carried out at the employee's place of work or the credible threat of violence can reasonably be constructed to be carried out at the employee's place of work by the person. Provides that an employer may obtain an order of protection under the Illinois Domestic Violence Act of 1986 if the employer: (1) files an affidavit that shows, to the satisfaction of the court, reasonable proof that an employee has suffered either unlawful violence or a credible threat of violence by the defendant; and (2) demonstrates that great or irreparable harm has been suffered, will be suffered, or is likely to be suffered by the employee. Provides that employer remedies under the Act are limited to an order of protection, but that nothing in the Act waives, reduces, or diminishes any other remedy available to an employer under any other mechanism. Provides that the Act does not apply to cases involving or growing out of a labor dispute governed by other State or federal law. Provides that issues of jurisdiction, venue, procedure, and enforcement shall be governed by the Illinois Domestic Violence Act of 1986, and that law enforcement personnel shall have the same responsibilities as provided in that Act.

LRB098 08320 HEP 41001 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Workplace Violence Prevention Act.

6 Section 5. Purpose. This Act is intended to assist  
7 employers in protecting its workforce, customers, guests and  
8 property by limiting access to workplace venues by potentially  
9 violent individuals.

10 Section 10. Definitions. As used in this Act:

11 "Credible threat of violence" means a statement or course  
12 of conduct that does not serve a legitimate purpose and that  
13 causes a reasonable person to fear for the person's safety or  
14 for the safety of the person's immediate family.

15 "Employee" means:

16 (1) a person employed or permitted to work or perform a  
17 service for remuneration;

18 (2) a member of a board of directors of any  
19 organization;

20 (3) an elected or appointed public officer; and

21 (4) a volunteer, independent contractor, agency  
22 worker, or any other person who performs services for an

1 employer at the employer's place of work.

2 "Employer" means an individual, partnership, association,  
3 limited liability company, corporation, business trust, the  
4 State, a governmental agency, or a political subdivision that  
5 has at least 5 employees during any work week.

6 "Unlawful violence" means any act of violence, harassment,  
7 or stalking as defined by the laws of this State.

8 Section 15. Employer's right to order of protection. An  
9 employer may seek an order of protection to prohibit further  
10 violence or threats of violence by a person if:

11 (1) the employee has suffered unlawful violence or a  
12 credible threat of violence from the person; and

13 (2) the unlawful violence has been carried out at the  
14 employee's place of work or the credible threat of violence  
15 can reasonably be constructed to be carried out at the  
16 employee's place of work by the person.

17 Section 20. Irreparable harm. An employer may obtain an  
18 order of protection under the Illinois Domestic Violence Act of  
19 1986 if the employer:

20 (1) files an affidavit that shows, to the satisfaction  
21 of the court, reasonable proof that an employee has  
22 suffered either unlawful violence or a credible threat of  
23 violence by the defendant; and

24 (2) demonstrates that great or irreparable harm has

1           been suffered, will be suffered, or is likely to be  
2           suffered by the employee.

3           Section 25. Remedies. Employer remedies under this Act are  
4           limited to an order of protection. Nothing in this Act,  
5           however, waives, reduces, or diminishes any other remedy  
6           available to an employer under any other mechanism.

7           Section 30. Jurisdiction; venue; procedure; enforcement.  
8           Issues of jurisdiction, venue, procedure, and enforcement  
9           shall be governed by the Illinois Domestic Violence Act of  
10          1986.

11          Section 35. Law enforcement responsibilities. Law  
12          enforcement personnel shall have the same responsibilities  
13          under this Act as are provided in Article 3 of the Illinois  
14          Domestic Violence Act of 1986.